

STATE OF CONNECTICUT
BOARD OF EXAMINERS FOR NURSING

1985 0719 011 029

IN RE: Cathy Marie Klein, L.P.N. 020340
6 River Valley Road
Columbia, CT 06237

MEMORANDUM OF DECISION

INTRODUCTION

The Board of Examiners for Nursing, (hereafter the "Board"), was presented by the Department of Health Services with a Statement of Charges dated October 14, 1986.

The Statement of Charges alleged violations of certain provisions of Chapter 378, Connecticut General Statutes. The Board issued a Notice of Hearing. The hearing took place on January 21, 1987, in room B 120-121 of the Department of Health Services at 150 Washington Street, Hartford, Connecticut.

Each member of the Board involved in this decision attests that he/she has reviewed the record, and that this decision is based entirely on the record.

FACTS

Based on the testimony given and the exhibits offered into evidence at the above hearing, the Board made the following findings of fact:

1. Cathy M. Klein, hereafter referred to as the respondent, was at all pertinent times licensed to practice nursing as a licensed practical nurse in Connecticut, with registration number 020340.
2. Pursuant to Connecticut General Statutes, Section 4-182(c), the respondent was provided a full opportunity prior to the institution of agency action to show compliance with all the terms for the retention of her license.
3. Between February, 1985 and June, 1985, while working as a licensed practical nurse at Manchester Memorial Hospital, the respondent diverted Valium and abused or used to excess said drug.
4. Between February, 1985 and June, 1985, while working as a licensed practical nurse at Manchester Memorial Hospital, the respondent diverted Ativan and abused or used to excess said drug.
5. Between February, 1985 and June, 1985, while working as a licensed practical nurse at Manchester Memorial Hospital, the respondent failed to accurately, completely or properly make documentations in medical or hospital records.

DISCUSSION AND CONCLUSIONS

The First Count Subsections 3a and c allege that between February, 1985 and June, 1985, the respondent, while employed as a licensed practical nurse at Manchester Memorial Hospital, diverted Valium and abused or used to excess said drug. The respondent admitted to this charge at the hearing and stated that her behavior, the diversion of approximately 2 doses of Valium per shift, was due to the pressures of her work situation. She also stated that she never used Valium during her work shift, never denied a patient his/her medication, nor substituted one medication for another.

The above described conduct is a violation of Connecticut General Statutes Section 20-99(b). In pertinent part, Section 20-99(b) includes: (2) illegal conduct, incompetence or negligence in carrying out usual nursing functions; (4) emotional disorder or mental illness; (5) abuse or excessive use of drugs, including alcohol, narcotics or chemicals; and (6) fraud or material deception in the course of professional services or activities.

The Board has determined that between February, 1985 and June, 1985, while working as a licensed practical nurse at Manchester Memorial Hospital, the respondent did divert Valium and abused or used to excess said drug. The Board therefore concludes that the respondent has violated Section 20-99(b) as specified in the First Count Subsection 3a and c.

The First Count Subsections 3b and c allege that between February, 1985 and June, 1985, while working as a licensed practical nurse at Manchester Memorial Hospital, the respondent diverted Ativan and abused or used to excess said drug. The respondent admitted to this charge at the hearing and stated that her behavior, the diversion of approximately 2 doses of Ativan per shift, was due to the pressures of her work situation. She also stated that she never used Ativan during her work shift, never denied a patient his/her medication, nor substituted one medication for another.

The above described conduct is a violation of Connecticut General Statutes Section 20-99(b). In pertinent part Section 20-99(b) includes: (2) illegal conduct, incompetence or negligence in carrying out usual nursing functions, (4) emotional disorder or mental illness; (5) abuse or excessive use of drugs, including alcohol, narcotics or chemicals, and (6) fraud or material deception in the course of professional services or activities.

The Board has determined that between February, 1985 and June, 1985, while working as a licensed practical nurse at Manchester Memorial Hospital, the respondent did divert Ativan and abused or used to excess said drug. The Board therefore concludes that the respondent has violated Section 20-99(b) as specified in the First Count Subsection 3b and c.

The First Count Subsection 3d alleges that between February, 1985 and June, 1985, while working as a licensed

practical nurse at Manchester Memorial Hospital, the respondent failed to accurately, completely or properly make documentations in medical or hospital records. The respondent admitted to this charge at the hearing. The above described conduct is a violation of Connecticut General Statutes Section 20-99(b). In pertinent part Section 20-99(b) forbids: (2) illegal conduct, incompetence or negligence in carrying out usual nursing functions, (6) fraud or material deception in the course of professional services or activities and (7) willful falsification of entries in any hospital, patient or other record pertaining to drugs, the results of which are detrimental to the health of a patient.

The Board has determined that the respondent, while working as a licensed practical nurse at Manchester Memorial Hospital, did fail to accurately, completely or properly make documentations in medical or hospital records. The Board therefore concludes that the respondent has violated Section 20-99(b) as specified in the First Count Subsection (3d).

ORDER

It is the unanimous decision of the Board of Examiners for Nursing who were present and voting that:

a. The respondent be placed on probation for a minimum period of one year determined as follows:

- i. as to the First Count, Subsection 3a, one year probation;

- ii. as to the First Count, Subsection 3b, one year probation;
- iii. as to the First Count, Subsection 3c, one year probation;
- iv. as to the First Count, Subsection 3d, one year probation;
- v. the one year probationary periods referenced in (i), (ii), (iii) and (iv) above are to run concurrently, for a total effective probationary period of one year;
- vi. that as conditions of probation the respondent is to secure a job in the nursing field other than a nursing personnel provider service, and that she is to inform her employer of the action taken against her. The respondent is also required to submit monthly reports from her supervisor documenting her ability to work in a drug free state in addition to, monthly, negative, random drug screen reports; these reports shall be due in the Board's office the first day of each month.

b. if the conditions referenced in (a), above, are not met the respondent's license may be revoked immediately.

c. The said period of probation shall commence on July 1, 1987.

d. At the end of the one year probation specified in (a) the probationary status will be removed if conditions referenced in (a) above are met.

The Board of Examiners for Nursing herewith advises the Department of Health Services of the State of Connecticut of this decision.

Dated at *Hartford* , Connecticut, this *10th* day of *June* , 1987

BOARD OF EXAMINERS FOR NURSING

BY *Bette Jane M. Murphy R.N.*

Bette Jane M. Murphy R.N., Chairman